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In re Application of :
Gratzl, et al. :
Application No.: 09/980,089 :
PCT No.: PCT/US00/14805 :
Int. Filing Date: 30 May 2000 :
Priority Date: 28 May 1999 : DECISION
Attorney's Docket No.: CWR 2 0282 :
For: DEVICES AND METHODS FOR ASSESSING :
CELLULAR TRANSPORT FOR RESEARCH, DRUG :
DISCOVERY AND TESTING, CLINICAL DIAGNOSES :
AND THERAPY DESIGN :

This is a decision in response to the "RENEWED PETITION UNDER 37 CFR § 1.47(b)" filed on 24 April 2003.

BACKGROUND

On 30 May 2000, applicants filed international application PCT/US00/14805 that claimed priority of an earlier United States provisional application filed 28 May 1999. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 07 December 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 09 November 2000 prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 28 November 2001.

On 28 November 2001, applicants filed a letter for entry into the national stage in the United States which was accompanied by a preliminary amendment and the basic national fee of \$355 as required by 35 U.S.C. 371(c). These papers were assigned application number 09/980,089.

On 11 February 2002, the United States Patent and Trademark Office in its capacity as an Elected Office mailed the "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35

On 11 February 2002, the United States Patent and Trademark Office in its capacity as an Elected Office mailed the "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) indicating that applicants were required to file an oath/declaration and a surcharge fee. The notification set a two-month time period in which to respond.

On 12 August 2002, applicants filed a "PETITION TO ACCEPT SIGNATURE OF PROPRIETARY INTEREST HOLDER ON BEHALF OF NON-SIGNING INVENTORS UNDER 37 CFR § 1.47(b)."

On 24 April 2003, a decision was mailed to applicants indicating that there was no indication in Ms. Porto's statements that a delivery of the application papers to the missing inventors was ever attempted.

On 26 June 2003, applicants filed the current response which included a copy of signed declarations from each of the missing inventors.

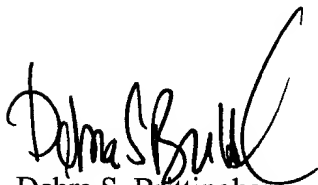
DISCUSSION

Since applicant has provided signatures from all of the inventors, the petition under 37 CFR 1.47(a) is moot.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is **MOOT**.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision; and, if appropriate, a Notification of Acceptance of Application (Form PCT/DO/EO/903) will be mailed showing a 35 U.S.C. 371 date of 26 June 2003.



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